Court, U.S.
FILED

(1)

No. 96 446 JUN 3 1996

OFFICE OF THE CLERK

In the Supreme Court
OF THE
United States

OCTOBER TERM 1995

OSCAR WILKERSON,
Petitioner,

vs.

ROSWELL LINCOLN MERCURY, INC.
A/K/A TRONCALLI JAGUAR, INC
FORD MOTOR COMPANY AND
FORD MOTOR CREDIT COMPANY
Respondent.

On Petition for Writ of Certiorari to
THE SUPREME COURT OF GEORGIA

PETITION FOR WRIT OF CERTIORARI

Pro-se Oscar Wilkerson
2928 Cocklebur Trail
Decatur, GA 30034
(404) 289-0694

July 11, 1996

11 pp

QUESTIONS PRESENTED FOR REVIEW

1. Whether justice in Georgia and America is possible without the supervisory power of the Supreme Court of the United States. The Supreme Court of Georgia dismissed our civil action terminating our case without a complete trail of the issues involved or enforcing the laws of Georgia that were violated.

2. Whether denial of this Writ of Certiorari by the Supreme Court of the United States sanctions denial of the Writ of Certiorari by the Supreme Court of Georgia on May 3, 1996. Georgia's Supreme Court dismissed our civil action on April 12, 1996 terminating our case without a complete trail of the issues involved or enforcing the laws that were violated. Such dismissal supports (1) Grant of summary Judgement Motion that has no legal force, (2) Withholding 199 pages of record by the Trial Court making it impossible to clarify the enumerated errors on May 26, 1995, Pursuant Rule 27-C-(3)(i) (Court of Appeals), (3) Filing the Briefs of August 17, 1995 (Appendix L) as a motion (Court of Appeals), (4) Circumventing the Rebuttal to Summary Judgement Motion in Oral Argument dated March 1, 1995 (Appendix K), which was to support Brief of August 17, 1995 (Court of appeals). This action is in direct conflict with Georgia's constitution paragraph (1), and the 14th Amendment to the Constitution of the United States.

3. Whether granting Summary Judgement Motion that has no legal force is valid (Rule 6, Superior Court Rules - Georgia) In civil action where allegation of unstipulated facts are relied upon, supporting affidavits are needed or citations of evidentiary materials of record to support the motion. I affirm the three affiants to this Summary Judgement Motion were perjurers (Appendix K, page 4), thereby nullifying the Summary Judgement Motion.

4. Whether Affiants that are perjurers can support the motions, briefs and the concise statement of the Summary Judgement Motion filed October 12, 1994. I affirm the trial to this Civil Action E26463 was firmly set for trial November 28, 1994. Several Superior Court rules were ignored in order to not have trial on that date, and have a hearing of the Summary Judgement Motion on March 1, 1995. I affirm the Summary Judgement Motion was granted without legal force.

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PETITION FOR WRIT

OPINIONS BELOW IN THIS CASE

Oscar Wilkerson, *Petitioner,* vs. Roswell Lincoln Mercury, Inc. a/k/a Troncalli Jaguar, Inc, Ford Motor Company and Ford Motor Credit Company *Respondents.*

JURISDICTION STATEMENT

The Supreme Court of the United States is the highest court in the nation. One of its basic duties is to determine whether federal, state and local governments are acting according to the Constitution of the United States. The Supreme Court does its job by deciding specific legal cases on the basis of established rules. The Supreme Court of Gerogia dismissed our civil action on April 12, 1996 in direct conflict with Georgia's constitution. This petition seeks review pursuant constitutional rights to a jury trial.

CONSTITUTIONAL AND STATUTORY PROVISION

14th AMENDMENT TO
THE CONSTITUTION OF THE UNITED STATES

No state shall make or enforce any laws which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life, liberty or property without due process of law. Nor deny to any person within its jurisdiction the equal protection of the law.

GEORGIA'S CONSTITUTION

Paragraph 1, Life, Liberty and Property – No person shall be deprived of life, liberty or property except by due process of law.

STATUTORY PROVISION

RULES OF THE SUPREME COURT OF THE UNITED STATES
RULE 10

[sic] The courts of Georgia has departed from the usual and accepted course of proceedings and have sanctioned such departure by the lower court as to call for an exercise of this courts supervisory powers. Noth-

ing in the laws of Georgia or its consitution may supercede the Supreme Court of the United States that heads the Judicial Branch of the American goverment. It is undoubtedly the worlds most powerful tribunal.

STATEMENT OF THE CASE

There have never been a trial in this case. Only actions to deny a jury trial by the judicial system. (1) **Granting Summary Judgement Motions that had no legal force (appendix A), (2) Deleting Supplemental Briefs, and circumventing 199 pages of supplemented records, received August 9, 1995**.

Petitioner affirms, on March 1, 1995, there was a hearing on a Summary Judgement Motion, Civil Action E26463. At that hearing Petitioner presented to the court and respondents a document entitled, Rebuttal to Summary Judgement Motion in Oral Argument.

That 60 page document (Appendix K) gave fact and truth providing the only minutes to the hearing. The court ignored every thing presented by Petitioner. The Petitioner presented an affidavit in the Rebuttal with Substantiation that the witnesses to the Summary Judgement Motion were perjurers nullifying the Summary Judgement Motion. But the Trial Court granted the motion, irgnoring O.C.G.A. 9-11-56.

[sic] Trail Judge has inherent powers during same term of court in which judgement is rendered to revise, correct, revoke, modify or vacate such judgement even upon his own motion, for the purpose of promoting justice and in exercise of sound legal discretion. LeCraw vs Atlanta Art Alliance, Inc. 126 Ga App 656, 191 SE 2d 572 (1972). Because of such action, an appeal was made to the Court of Appeals of Georgia. The Respondents requested that a complete record of the case be sent to the Court of Appeals of Georgia (Appendix B). Clerk of the Trial Court withheld 199 pages of pertinent records needed to clarify the errors made during the proceedings of this case. Pursuant Rule 27 C (3)(i) Court of Appeals.

Search was made by Petitioners for the records needed; **records were found and with motion and court order, the records were sent to Court of Appeals on August 9, 1995.** August 17, 1995, Supplemental Brief was filed entitled Citation of Pro-se Appellant for Clarity (Appendix L). The Brief was filed as a motion in the case history

(Appendix M) deleting that Brief. The Court of Appeals also circumvented the 199 page record received August 9, 1995, that supported the Brief of August 17, 1995. Without the Supplemental Brief of August 17, 1995 and the 199 pages of records withheld by Clerk of the Trial Court, until August 9, 1995, it was impossible to clarify the enumerated errors before August 9, 1995. The decision of the Court of appeals dated December 19, 1995 (Appendix C) is without merit. The Brief and records was not handled in an appropriate manner, thereby being in direct conflict with Georgia's constitution, paragraph 1 [sic] No person shall be deprived of life, liberty or property except by due process of law. The decision was appealed to the Supreme Court of Georgia (Appendix C). The Supreme Court dismissed our civil action terminating our case without a complete trail by jury—a constitutional right (Appendix H).

Pursuant Rule 10 (Rules of Supreme Court)) an exercise of this courts supervisory power is need for rights of the people of Georgia and America.

REASON FOR GRANTING WRIT

There have been no trial or judgement in this case. **There are torts imposed in violation of the laws of Georgia on the people of Georgia according to the testimony of John S. Smith III, Counsel and Division Director for the state of Georgia. More than 35 thousand dollars have been defrauded from Petitioner and billions from the American people. I affirm John S. Smith III testifies Roswell Lincoln appears to have figured your lease payment based upon the recommendation that Ford Motor company uses in All 50 states (Appendix F).**

There have been several acts by the judicial system denying our right to a jury trial, number 1 Granting of a Summary Judgement Motion that had no legal force (Appendix A). This was substantiated in the written Rebuttal to Summary Judgement Motion in Oral Argument dated March 1, 1995 (Appendix K). An appeal was made to the Court of Appeals of Georgia listing 3 other errors made at the hearing on the Summary Judgement Motion. When the appeal was made, the respondent requested a complete record of the case to be sent to the Court of Appeals. I affirm the Clerk of the Trial Court withheld 199 pages of pertinent record making it impossible to clarify the errors made at the hearing on March 1, 1995. Pursuant Rule 27-C-(3)(i) Court of Appeals [sic] each enumerated error shall be supported. In the Brief by specific reference to the record or transcript. In the absence of such reference. The court will not search for or consider such enumeration.

Pursuant Wilkie vs State 153 Ga App 609 226 SE 2a 289 (1980) mere restatement of errors is not argument in contention. So the enumerated errors were not restated in the original brief of May 26, 1995. Because there could be no supported clarification. By record or transcript pursuant Rule 27-C(3)(i), (Court of Appeals). Motions were made to the court of appeal to get the record from the trial court. The Court of Appeals ignored the motions. Search was made by Appellant to find the 199 pages of missing record. They were found July 24, 1995. A court order from Fulton County Superior Court sent the record to the Court of Appeals. They were received August 9, 1995. On August 17, 1995. A Supplemental Brief was filed entitled Citation of Pro-se Appellant for Clarity (Appendix L) the Court of Appeals deleted that Brief by showing the Brief as a motion in the case history. **Nothing in that Supplemental Brief was ever mentioned. The 199**

pages of withheld record by the Trial Court was circumvented also, making it impossible to have identification with clarity of the errors made at the hearing on March 1, 1995. The Court of Appeals at this point sanctions denial of a Jury Trial because all errors made at the hearing on March 1, 1995 would be considered abandoned with no citation of Appellants for clarity and no Rebuttal to Summary Judgement Motion in Oral Argument for record reference. Pursuant Rule 27-C-(3)(i), Court of Appeals.

In the decision of the Court of Appeals dated December 19, 1995, there is mention of a perjurers affidavit in support of sanctioning grant of the Summary Judgement Motion that had no legal force. But the Supplemental Brief filed August17, 1995, is not mentioned. The 60 page Rebuttal that is record reference for the Citations for Clarity is not mentioned either, making it easy to deny a Jury Trial in this civil action that is a constitutional right.

The decision of December 19, 1995 is the only decision in this case (appendix C). That decision grants a Summary Judgement Motion that has no legal force contravening our pursuit of justice by jury trial.

There have been no litigation before any judge or jury. No evidence has been presented to any one showing fraud. The torts in violation of the laws of Georgia have been charged but not enforced by judgement. There is no trial or judgement to review.

On December 21, 1995, Motion for Reconsideration (Appendix D) was filed in the Court of Appeals explaining how the court of Appeals departed from judicial proceedings. The Briefs to the Motion for Reconsideration explains the original Brief of May 26, 1995, and how the concurring justices used only part of the record while making their decision (Appendix D). The justices used the affidavit of a perjurer to support their decision in the last paragraph of page 2 of their decision, dated December 19, 1995 (Appendix C). See the Affidavit of Ron Pratt in the Rebuttal dated March 1, 1995, pages 5 and 22 of the Rebuttal Appendix K.

On January 3, 1996, the Motion for Reconsideration was denied (Appendix E). Appellant affirm by Affidavit that the denial to the Motion for Reconsideration was not received until January 22, 1996 (Appendix G). On January 24, 1996, Petition for Writ of Certiorari was filed in the Supreme Court of Georgia. More than 80 pages of documents was attached to the Petition showing how the Court of Appeals

had departed from judicial proceedings, showing brief as motions in the case history and circumventing 199 pages of record while making their decision. The Petition (Appendix F), the Affidavit (Appendix G), both dated January 24, 1996. A copy of case history with marginal notes was filed in the Supreme Court of Georgia with Appendix F. The Rebuttal to Summary Judgement Motion in Oral Argument was in cluded also (Appendix K). With Citation of Pro-se Appellant for Clarity (Appendix L) all a part of Appendix F)

On April 12, 1996, the Supreme Court of Georgia dismissed the case terminating the action without a trial of the issues involved. That is a miscarriage of justice by the court. It violates Section 1 (rights of Person) of the Georgia Constitution; and the 14th Amendment to the Constitution of the United States.

On April 19, 1996, Motion for Reconsideration was filed (Appendix I) in the Supreme Court of Georgia, explaining there had been no trial by judge or jury. Explaining fraud on the American people and how the Court of Appeals sanctioned denial of our constitutional rights to a jury trail by deleting Briefs and circumventing records.

CONCLUSION

On May 3, 1996, the sanctioning of the order or judgement terminating our case without a complete trial of the issues involved is a miscarriage of justice.

On May 3, 1996, the Supreme Court of Georgia denied our Motion for Reconsideration (Appendix J) thereby sanctioning denial to a jury trial and sanctioning denial of our constitutional rights under Georgia's constitution, and denial of our constitutional rights under the 14th Amendment to the Constitution of the United States. The denial of our constitutional rights to a jury trial by the judicial system of Georgia calls for the exercise of this courts supervisory power to enforce the constitutional rights of Petitioners, people of Georgia and families of America.

FINALLY

There is no judgement or trial to review only the call for an exercise of this court's supervisory power enforcing the constitution of Georgia, and the 14th Amendment to the Constitution of the United

States granting a trial by jury. Pursuant Rule 10 of the U.S. Supreme Court. The supervisory power should be enacted for judgement of the people, by the people and for the people. Everything on the Index to Appendix is mentioned here, clarifying there have been no trial or judgement to review, only denial of our constitutional rights to a Jury Trial.

QUESTIONS TO PONDER

Sometimes people are criminally guilty but morally innocent.

(1) Was granting the Summary Judgement Motion that had no legal force an innocent decision by the Trial Court or was it to deny our constitutional right to a Jury Trial (Appendix A).

(2) Was deleting Appendix L, the Supplemental Brief of August 17, 1995, by showing and classifying it as a Motion an innocent act by the Court of Appeals or was it to sanction the decision by the Trial Court, dated March 2, 1995 (Appendix A).

(3) Was circumventing Appendix K with 6 affidavits and a Motion with Brief, an innocent act by the Court of Appeals. (Rebuttal to Summary Judgement Motion in Oral Argument was circumvented).

(4) Why did the Supreme Court of Georgia dismiss our Civil Action terminating our case without a complete trial by jury—**A constitutional right.**

(5) Why should our constitutional right to a Jury Trial be denied; or our pledge to the American flag be ignored.

Respectfully Submitted,

Oscar Wilkerson

OSCAR WILKERSON

2928 Cocklebur Trail
Decatur, GA 30034
(404) 289-0694

July 11, 1996